

REMARKS

Applicants have the following response to the Office Action.

Claim Rejections - 35 USC §103

Claim 10

In the Office Action the Examiner rejects Claim 10 under 35 USC §103 as being unpatentable over Liprie (U.S. 6,635,008) in view of Waksman et al. (U.S. 7,160,238) and further in view of Liprie (US 5,800,333). This rejection is respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are amending independent Claim 10 to recite the features of a system for determining if one or more of the treating elements is missing from the source cartridge. These features are clearly not disclosed or suggested by Liprie '008, Waksman or Liprie '333.

Further, as explained *infra*, these features are not disclosed or suggested by the other cited references in the Office Action.

Therefore, Claim 10 is not disclosed or suggested by the cited references, and is patentable thereover. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claims 20-22

The Examiner also rejects Claims 20-22 under 35 USC § 103 as being unpatentable over Waksman in view of Spako et al. (U.S. 5,103,395) and further in view of Meloul et al. (US 6,013,020). This rejection is also respectfully traversed.

More specifically, the Examiner admits that neither Waksman nor Spako discloses a means for detecting whether some of the treatment elements are missing from the storage sleeve,

as in independent Claim 20 of the present application. The Examiner cites Meloul as allegedly disclosing a way of detecting whether some, none or all of the treating elements are within the storage sleeve. Applicants respectfully disagree.

In support of this rejection, the Examiner cites col. 31, lines 48-60 in Meloul. However, this passage discusses determining the presence or absence of a gold marker seed in a single position within the lumen. This passage does not disclose a system for determining the presence or absence of one or more of the treating elements from the storage sleeve and for determining if some treating elements are within the sleeve and others are not, as in independent Claim 20.

Therefore, independent Claim 20 is not disclosed or suggested by the cited references, and Claim 20 and those claims dependent thereon are patentable thereover. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claim 23

The Examiner also rejects Claim 23 under 35 USC § 103 as being unpatentable over Liprie '008, in view of Waksman and further in view of Lipre '333. This rejection is also respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Claim 23 has been canceled without prejudice or disclaimer, rendering this rejection moot.

Accordingly, it is respectfully requested that this rejection be withdrawn.

Information Disclosure Statement

Applicants are submitting an information disclosure statement (IDS) herewith. It is respectfully requested that this IDS be entered and considered prior to the issuance of any further action on this application.

Conclusion

It is respectfully submitted that the present application is now in a condition for examination and should be examined.

If any fee should be due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

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Respectfully submitted,

/Mark J. Murphy/
Mark J. Murphy
Registration No. 34,225

COOK, ALEX, MCFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street - #2850
Chicago, IL 60606
(312)236-8500

Customer No. 26568